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CENTRAL FAX CENTER**In the United States Patent and Trademark Office** MAR 24 2004

Appn. Number: 09/832,440

Appn. Filed: 2001 April 11

Applicant: Steve Morsa

Examiner/GAU: Jonathan Ouellette/3629

Title: Method and Apparatus for the Furnishing of Benefits Information and Benefits

Thousand Oaks, CA, 2004 March 20thMail Stop AF
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450**OFFICIAL****Amendment B (After Final)***Applicant respectfully submits the following, in 30 pages:*

Sir:

In response to the Office Action of 01/22/2004, applicant requests that the above application be amended as follows:

1. **Claims:** In view of the coverage afforded the remaining claims, please cancel claims 25, 29, 77, 78, 79, 110, 114, 161, 162, 163, 168, and 172.
2. Claims 2-15, 25, 28-29, 31-45, 53, 56-57, 63, 75-79, 88-100, 110, 113-114, 116-130, 137, 140-141, 147, 159-163, 165, 168, 170, and 172 have now been cancelled. Claims 1, 16-24, 26-27, 30, 46-52, 54-55, 58-62, 64-74, 80-87, 101-109, 111-112, 115, 131-136, 138-139, 142-146, 148-158, 164, 166-167, 169, 171, and 173-180 are now pending in application 09/832,440.

**Request for Withdrawal of Final Action—
MPEP 706.07/(e); 37 CFR 1.113**

3. The following is a quotation of the relevant section(s) of MPEP 706.07; 37 CFR 1.113 which forms the basis for the requested Withdrawal of Finality of Last Office Action in this Amendment/Response to Second Office Action:

While the rules no longer give to an applicant the right to "amend as often as the examiner presents new references or reasons for rejection," present practice does not sanction hasty and ill-considered final rejections. The applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive

Amendment B; Morsa;
Ser.Nr. 09/832,440; Art Unit 3629

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the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application. But the applicant who dallies in the prosecution of his or her application, resorting to technical or other obvious subterfuges in order to keep the application pending before the primary examiner, can no longer find a refuge in the rules to ward off a final rejection.

The examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal. However, it is to the interest of the applicants as a class as well as to that of the public that prosecution of an application be confined to as few actions as is consistent with a thorough consideration of its merits.

706.07(e):

Further amendment or argument will be considered in certain instances. . . . The examiner may withdraw the rejection of finally rejected claims. If new facts or reasons are presented such as to convince the examiner that the previously rejected claims are in fact allowable or patentable in the case of reexamination, then the final rejection should be withdrawn.

The purpose and intent of these sections of the MPEP are both reasonable and understandable; that is, to stop applicants from willfully and purposefully taking unfair advantage of the time and resources of the PTO, its attorneys, and its staff by unnecessarily delaying the prosecution of their applications.

As is evident from applicant's actions during this patent prosecution, applicant is doing all he can in order to bring his application to timely fruition; at no time resorting to technical or other subterfuges in order to keep his application pending before the primary examiner and/or the PTO. Applicant therefore submits that he has not yet received the full and fair hearing that applicant is reasonably, properly, and legally entitled to; even as applicant continues here with his Amendment B to Second OA good-faith effort to complete the prosecution of his application with as few actions possible as is consistent with a thorough consideration of its merits.

Accordingly, since grounds do not exist to place applicant in the position of having to file a continuation or appeal in order to continue prosecution of this application; in keeping with both the intent and spirit of MPEP 706.07; applicant respectfully requests, under 706.07(d), a Withdrawal of Finality of Last Office Action.